
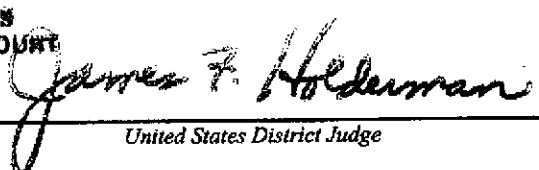


Color, Victoria  
# 110993 - 16

PROB 22 (Rev. 2/88)		DOCKET NUMBER (Tran. Court)  N0431178	
TRANSFER OF JURISDICTION		DOCKET NUMBER (Rec. Court)	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE  Salvatore O D'Agostino		DISTRICT  California	
DIVISION  Central		NAME OF SENTENCING JUDGE  Honorable Rita Coyne Federman	
DATES OF PROBATION/ SUPERVISED RELEASE		FROM  10/19/07	TO  10/18/10
OFFENSE  Section 23152(b) of the California Vehicle Code; Driving under the influence  <b>08 CR 311</b> JUDGE MANNING MAGISTRATE JUDGE ASHMAN			
PART 1 - ORDER TRANSFERRING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE <u>CENTRAL</u> DISTRICT OF <u>CALIFORNIA</u>			
IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. 3605, the jurisdiction of the probationer or supervised releasee named above be transferred with the records of this Court to the United States District Court for the <u>Northern District of Illinois</u> upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.*			
<u>3/18/2008</u> Date		 United States District Judge Magistrate	
*This sentence may be deleted in the discretion of the transferring Court.			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE <u>Northern</u> DISTRICT OF <u>Illinois</u>			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.			
<b>FILED</b> <b>MAY 19 2008</b> <b>5-19-08</b> <b>MICHAEL W. DOBINS</b> <b>CLERK, U.S. DISTRICT COURT</b>			
<u>APR 11 2008</u> Effective Date		 United States District Judge	



MICHAEL W. DOBBINS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
219 SOUTH DEARBORN STREET  
CHICAGO, ILLINOIS 60604  
April 21, 2008

312-435-5698

Central District of California  
Ms. Sherri R. Carter, Clerk  
United States District Court  
G-8 United States Courthouse  
312 North Spring Street  
Los Angeles, CA 90012-470

Dear Clerk:

**Re:** N0431178 USA v. Salvatore O. D'Agostino Judge Rita Coyne Federman

Our Case Number: 08 CR 311 - Northern District of Illinois

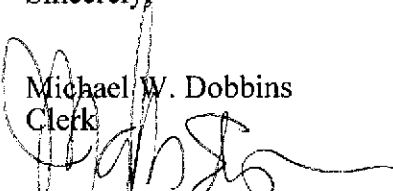
Enclosed is a certified copy of the Probation Form 22, Transfer of Jurisdiction, regarding, which has been accepted and assumed by this Court in the Northern District of Illinois, Eastern Division.

Please forward a certified copy of the indictment/information, judgment and docket along with the enclosed copy of this letter to the United States District Court at the above address. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Michael W. Dobbins  
Clerk

by:

  
Marsha E. Glenn  
Deputy Clerk

Enclosure

*-We do not docket CVB cases.*

United States District Court  
Violation Notice

CVB Location Code

CC37

Violation Number

N 0431178

Officer Name (Print)

MA2614

Officer No

1926

YOU ARE CHARGED WITH THE FOLLOWING VIOLATION

Date and Time of Offense (mm/dd/yyyy)

12/16/2006

Offense Charged a CFR b USC K State Code

CH 23152 (b)

Place of Offense

MSVC North Haven

32nd & Park

Offense Description

Assaulted by Title 15 USC 13  
Driving while under the influence  
13A above C.08%

DEFENDANT INFORMATION

Phone (312) 404-7005

Last Name

Dogastine

First Name

Salvatore

MI

0

Street Address

708 Elm/lock st

City

Port Haven

State

CA

Zip Code

93041

Date of Birth (mm/dd/yyyy)

06/10/1953

Driver's License No

0223-7998-3165

D L State

IL

Social Security No

323 74 5941

Adult ☐ Juvenile ☐

Sex Male ☒ Female ☐

Height

5'8"

Weight

180

Eye

BRN

Hair

BRN

VEHICLE DESCRIPTION VIN

6420229

State

IL

Year

77

Make/Model

0005/441

Color

BRN

A ☐ IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT SEE INSTRUCTIONS (on back of yellow copy)

B ☐ IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT SEE INSTRUCTIONS (on back of yellow copy)

Forfeiture Amount

\$ + \$25 Processing Fee

Total Collateral Due

PAY THIS AMOUNT →

Court Address

YOUR COURT DATE

(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Date (mm/dd/yyyy)

Time (hh:mm)

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place indicated or pay the total collateral due.

X Defendant Signature

Original - CVB Copy

STATEMENT OF PROBABLE CAUSE  
(For issuance of an arrest warrant or summons)

I state that on 12/16/06 while exercising my duties as a law enforcement officer in the District of

The foregoing statement is based upon  
☐ my personal observation ☐ my personal investigation  
☒ information supplied to me from my fellow officer's observation  
☐ other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge

Executed on Date (mm/dd/yyyy) Officer's Signature

Probable cause has been stated for the issuance of a warrant

Executed on Date (mm/dd/yyyy) U.S. Magistrate Judge

## STATEMENT OF PROBABLE CAUSE

(For issuance of an arrest warrant or summons)

I state that on Dec 17, 2006 while exercising my duties as a law enforcement officer in the Central District of California I observed/investigated the following:  
On 17DEC06 at 0124 my partner, Officer BECK traveling north on Parks, a one way street, was met head on by an on coming vehicle traveling against the flow of traffic, Officer BECK requested an additional unit to assist.

### FIRST OBSERVATIONS:

0125 As I arrived on scene Officer BECK was instructing the driver to turn off the vehicle. I approached from the North and observed a brown in color 2door Oldsmobile Cutlass Illinois license plate # 6420 229, that was stopped facing south, against the posted direction of traffic.

### OBSERVATIONS AFTER THE STOP:

Officer Beck asked DAGOSTINO if he saw the one-way traffic sign located approximately ten feet behind his vehicle, DAGOSTINO stated yes, but he was only trying to get right here. When asked where here was DAGOSTINO was unable to give a house number or street that he was parked on. DAGOSTINO attempted to look over his shoulder at the house address, DAGOSTINO paused with his head back as if he were looking at the ceiling of his vehicle, after approximately five seconds DAGOSTINO lifted his head, looking at Officer BECK without answering. Officer Beck noticed a strong odor of an alcohol based beverage coming from DAGOSTINO's person, blood shot eyes, combined with DAGOSTINO's seemingly impaired motor skills Officer BECK instructed DAGOSTINO to step out of the vehicle for further questioning.

At approximately 0127 hours, I asked DAGOSTINO several investigatory questions before administering field sobriety tests. I stood about an arm's length apart from DAGOSTINO I continued to observe that DAGOSTINO's speech was slow and at times mumbled. DAGOSTINO had trouble enunciating his words. DAGOSTINO continued to display watery, blood shot eyes with droopy eyelids and emitted a strong odor of an alcoholic beverage on his breath. I had DAGOSTINO perform a series of field sobriety tests (FSTs) during which I observed significant signs of impairment.

### FIELD SOBRIETY TESTS (FSTs):

At approximately 0130 hours, I administered FSTs to DAGOSTINO. I instructed DAGOSTINO to stand with his heels and toes together, with his arms and hands at his sides, while observing me explain and demonstrate each test. I had to tell DAGOSTINO repeatedly to put his feet together while I demonstrated and explained each FST to DAGOSTINO. I did not administer any test unless DAGOSTINO indicated he understood it as demonstrated and explained. The FSTs were conducted on flat level ground clear of obstructions, in a well-lit area. DAGOSTINO had trouble understanding the concept of placing his feet together with heels and toes touching and I instructed him to return to that position several times throughout and prior to the completion of the FSTs.

### Horizontal Gaze Nystagmus:

DAGOSTINO was not wearing any eyeglasses or contact lens. DAGOSTINO said that he did not need to wear eyeglasses. I asked DAGOSTINO if he could see the stimulus, he responded yes. I observed lack of smooth pursuit, nystagmus at maximum deviation and nystagmus prior to 45 degrees. There was no vertical nystagmus. Lack of convergence was present.

### Romberg Balance:

DAGOSTINO started the test before instructed and was told to return to the start position to observe while I finished demonstrating the test. DAGOSTINO swayed unsteadily approximately 2"-5" from center, back/forth and side/side. After approximately 37 seconds, DAGOSTINO opened his eyes. I asked if he thought the 30 seconds was up and he replied "yes"

### One Leg Stand:

DAGOSTINO had said that he had arthritis in both knees, but that it would not hinder his performance on the FST. He chose to raise his right foot. While standing on his left foot, DAGOSTINO failed to raise his foot six inches off the ground. I again instructed him to raise his

foot six inches off the ground. DAGOSTINO had raised his arms straight out and parallel with the ground. I again advised him to lower his arms to his sides. He lowered his arms and put his foot down. He then raised his right foot 2-3 inches from the ground. I again advised him to raise his foot six inches from the ground. He swayed from right to left and missed counted. Twice he stopped counting at 12 and looked at me for further instructions, both times I instructed him to continue counting from 12 and continue with his foot to six inches off the ground, until I instructed him to stop. DAGOSTINO continued counting from 1. Upon reaching 28 I noticed that DAGOSTINO was leaning to his right at this point. I felt he might fall and injure himself. I stopped the test and did not re-administer for his safety.

#### Walk and Turn:

During the test, DAGOSTINO walked with an exaggerated pigeon toe attempting to keep his balance. DAGOSTINO made a pivot turn on his heels stopped and looking at officers for more instructions. DAGOSTINO was instructed to take nine more steps heel to toe in a trail line in the direction he was facing stepped off the line 5 times, on steps two and seven DAGOSTINO stepped off the line waving his hands in an exaggerated attempt to keep his balance.

#### ARREST:

Based on observed driving, DAGOSTINO's statement that he had consumed five beers, and some kind of juice and alcohol beverage, as well as the objective signs of alcohol impairment, the odor of an alcoholic beverage on his breath, and impairment observed during the FSTs, I concluded that DAGOSTINO drove a motor vehicle impaired under the influence of alcohol: a violation of 23152(a) VC.

At approximately 0145 hours, I arrested DAGOSTINO for violating 23152(a) VC: DUI. I advised DAGOSTINO of the requirements of 23612 VC and 18USC3318; Implied Consent.

At approximately 0147 hours, I transported DAGOSTINO to Bldg 1443 NBVC Police Headquarters. DAGOSTINO provided three breath samples. I noted he did not regurgitate, belch, vomit, eat, smoke, and consume any alcoholic beverages, or other fluids at least 15 minutes prior to administering the test.

DAGOSTINO provided three successive breath samples using an Intoxilyzer 5000EN Ventura Model (SN 68-011074), which registered 0.16 (0156), 0.19(0159), 0.17(0212)

I issued DAGOSTINO two United States District Court Violations (N0431465)) for 23152(a)&(b), and one "Armed Forces Traffic Ticket" (N15864629).

At approximately 0545 hours DAGOSTINO was released to his command representative EO1 DOUGLAS ARNOLD in apparent good health and uninjured.

#### ADDITIONAL INFORMATION:

DAGOSTINO's vehicle was not towed due to manpower restraints.

DAGOSTINO exhibited genuine remorse; I suggested to DAGOSTINO that he help himself by educating his peers in NMCB-4, by passing out a DUI awareness flyer. Approved for circulation by the CO of NBVC. A DUI awareness flyer was given to DAGOSTINO, and an electronic copy was given to EO1 DOUGLAS ARNOLD to give to DAGOSTINO at a later date.

#### RECOMMENDATIONS:

MA2 RATH recommends that Naval Base Ventura County's Judge Advocate General's Office review this report and prosecute DAGOSTINO for the following:

23152(a) - driving under the influence of alcohol with a BAC of .08 or greater

For further information, refer to NBVC Incident Report #054811400358-7G

The foregoing statement is based upon:

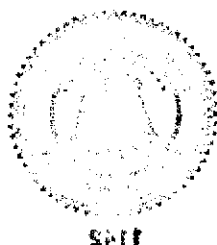
☐ My personal observations ☒ my personal investigation  
☒ Information supplied to me from my fellow officer's observation  
☐ Other (explained above)

I declare under penalty of perjury that the information I have set forth above and on the face of violation notice N0222314 is true and correct to the best of my knowledge.

Executed on: 09 MAY 07 [Signature]  
Date Officer's signature

Probable cause has been stated for the issuance of a warrant.

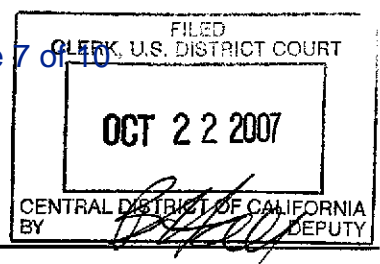
Executed on: \_\_\_\_\_  
Date U.S. Magistrate



SMT

RECEIVED  
U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA  
MAY 10 2007  
CLERK OF COURT

United States District Court  
Central District of California



UNITED STATES OF AMERICA vs.

Docket No. N0431178

Defendant SALVATORE O. D'AGOSTINO, III  
akas: \_\_\_\_\_

Social Security No. 5 9 4 1  
(Last 4 digits)

## JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
10	19	2007

☐ COUNSEL ☒ WITH COUNSEL

Michael Schafler, Deputy Federal Public Defender

(Name of Counsel)

☐ PLEA☒ GUILTY, and the court being satisfied that there is a factual basis for the plea.☐ NOLO  
CONTENDERE☐ NOT  
GUILTY☐ FINDING

There being a finding/verdict of ☒ GUILTY, defendant has been convicted as charged of the offense(s) of:  
California Vehicle Code § 23152(b); Driving Under the Influence

JUDGMENT  
AND  
PROB/  
COMM  
ORDER

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the imposition of jail time shall be suspended and the defendant shall be placed on supervised probation for a period of three years under the following terms and conditions:

1. the defendant shall comply with the rules and regulations of the Probation Office and General Order 05-02;
2. the defendant shall complete twenty-four (24) hours of community service, as directed by the Probation Officer;
3. the defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of placement on probation and two periodic drug tests thereafter;
4. the defendant shall not drive a motor vehicle with any measurable amount of alcohol in his body;
5. the defendant shall submit to and complete tests of his breath, blood, or urine when requested by a peace officer or a Probation Officer;
6. the defendant shall enroll in, complete, and pay for a licensed driving-under-the-influence program as directed by the Probation Officer. The defendant shall complete an equivalent program in his state of residence if he does not complete such a program in the State of California;
7. the defendant shall comply with all rules and regulations of any applicable military installation and the Department of Motor Vehicles. The defendant shall not operate any vehicle unless granted permission to do so via a valid State issued driver's license;



USA v. SALVATORE O. D'AGOSTINO, III

Docket No.: N0431178

8. upon payment of the fine, special assessment and processing fee, and completion of community service and the driving-under-the-influence program, pursuant to 18 U.S.C. §3601, the Probation Officer shall have the discretion to implement unsupervised probation for the remainder of the probationary term. While on unsupervised probation, the defendant shall not commit another federal, state, or local crime, and shall notify the Probation Officer at least ten days prior to any change in residence or employment;

9. the defendant shall register with the Probation Office within 72 hours from the day sentence is imposed.

IT IS ORDERED the defendant shall pay to the United States a fine of \$390.00, due on or before January 19, 2008.

IT IS ORDERED the defendant shall pay to the United States a special assessment of \$10.00, due on or before January 19, 2008.

IT IS FURTHER ORDERED the defendant shall pay to the United States a processing fee of \$25.00, due on or before January 19, 2008.

The fine, special assessment and processing fee shall to be mailed to:

Central Violations Bureau  
Post Office Box 70939  
Charlotte, NC 28272-0939

**IT IS SO ORDERED.**

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

10/22/07  
Date

  
RITA COYNE FEDERMAN  
United States Magistrate Judge



It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Sherri R. Carter, Clerk

-Barbara Hall-

10/22/07  
Filed Date

By   
Deputy Clerk



The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

### STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

### RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
 Defendant noted on appeal on \_\_\_\_\_  
 Defendant released on \_\_\_\_\_  
 Mandate issued on \_\_\_\_\_  
 Defendant's appeal determined on \_\_\_\_\_  
 Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
 at \_\_\_\_\_  
 the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

By \_\_\_\_\_  
 Date \_\_\_\_\_ Deputy Marshal

### CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

By  \_\_\_\_\_  
 Deputy Clerk -Barbara Hall

Filed Date \_\_\_\_\_



**UNITED STATES DISTRICT COURT**  
 NORTHERN DISTRICT OF ILLINOIS  
 219 SOUTH DEARBORN STREET  
 CHICAGO, ILLINOIS 60604  
 April 21, 2008

**MICHAEL W. DOBBINS**

312-435-5698

Central District of California  
 Ms. Sherri R. Carter, Clerk  
 United States District Court  
 G-8 United States Courthouse  
 312 North Spring Street  
 Los Angeles, CA 90012-470

Dear Clerk:

**Re:** N0431178 USA v. Salvatore O. D'Agostino Judge Rita Coyne Federman

Our Case Number: 08 CR 311 - Northern District of Illinois

Enclosed is a certified copy of the Probation Form 22, Transfer of Jurisdiction, regarding, which has been accepted and assumed by this Court in the Northern District of Illinois, Eastern Division.

Please forward a certified copy of the indictment/information, judgment and docket along with the enclosed copy of this letter to the United States District Court at the above address. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Michael W. Dobbins  
 Clerk

by:

Marsha E. Glenn  
 Deputy Clerk



Enclosure